

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd  
Sacramento, CA 95816-7083  
[www.post.ca.gov](http://www.post.ca.gov)

**Date:** February 22, 2008

**Bulletin:** No. 2008-01

**Subject:** Notice of Proposed Regulatory Action – Peace Officer Selection Standards, Regulations 1002 and 9050-9055 (new), Procedures C-1 and C-2

At its January 2008 meeting, the Commission approved the scheduling of a public hearing at the April 2008 Commission Meeting. As follows, several overarching goals drive the revision of these standards:

1. Enhance consistency in selection requirements across peace officer classifications.
2. Minimize the time and resources departments need to comply with POST requirements.
3. Provide latitude in the manner for satisfying the requirements.
4. Enhance the specificity, clarity, and consistency of documentation requirements.
5. Promote consistency in the selection practices across departments.
6. Reference other laws that directly influence peace officer selection.

The attached notice describes the proposed changes, includes an invitation for written input on this proposal, the deadline for written comments, and information regarding the scheduled public hearing. The following, related information is available on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Please direct any inquiries or comments pertaining to the proposed action to Melani Singley, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), by telephone at 916.227.4258, or by FAX at 916.227.0476. Shelley Spilberg is the back-up contact for this proposal, as well as the person to receive inquiries concerning the substance of the proposed revisions to the peace officer selection standards. Shelley is available by email at [shelley.spilberg@post.ca.gov](mailto:shelley.spilberg@post.ca.gov), or by telephone at 916.227.4824.

PAUL CAPPITELLI  
Executive Director

Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PUBLIC HEARING  
PEACE OFFICER SELECTION REQUIREMENTS  
Chapter 5, AMENDED AND REFORMATTED**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to replace Regulation 1002 (Minimum Standards for Peace Officer Employment), Commission Procedure C-2 (Medical and Psychological Suitability Examinations), and those portions of Commission Procedures C-1 (Background Investigation) that directly relate to peace officers with new regulations. These current regulations are within Title 11, Division 2 of the California Code of Regulations (CCR). The Commission is replacing the deleted regulations and portions of the procedures, now numbered in the 1000 series, with new regulation numbers in the 9000 numbered series. The new regulations, when adopted, will become part of Title 11, Division 9 of the CCR.

**AUTHORITY AND REFERENCE**

The proposed changes are being made pursuant to the authority vested by Government Code (GC) § 1029 (disqualifying convictions for peace officers), GC § 1031 (minimum standards for peace officers), GC § 1031.5 (citizenship requirements), Vehicle Code § 2267 (citizenship requirements for California Highway Patrol Officers), Penal Code (PC) § 13503 (powers of the Commission on POST), PC § 13506 (power to adopt regulations) and PC 13510 (power for the commission to adopt selection standards for certain peace officers). The proposed changes are intended to interpret, implement, and make specific Government Code § 1031 (minimum selection standards for peace officers), GC § 1031.5 (citizenship requirements), Vehicle Code § 2267 (citizenship requirements for California Highway Patrol officers), GC § 12900 et seq. [California Fair Employment and Housing Act (FEHA)], and 42 USC 12101 [Americans with Disabilities Act of 1990 (ADA)] for departments that participate in the POST program.

**PUBLIC HEARING**

At its January 24, 2008 meeting, the Commission reviewed the proposed regulations and approved the scheduling of a public hearing. A public hearing to adopt the proposed regulations will be held before the full Commission on:

**Date:** April 24, 2008  
**Time:** 10:00 a.m.

**Location:** Crowne Plaza Anaheim Resort  
12021 Harbor Boulevard  
Garden Grove, CA 92840

Notice is also hereby given that any interested person may present oral statements or arguments relevant to the action proposed during the public hearing.

**WRITTEN COMMENT PERIOD**

The Commission hereby requests written comments on the proposed action. **The written comment period for this rulemaking ends at 5:00 p.m. on April 7, 2008.** Written comments should be directed to Paul Cappitelli, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax 916.227.2801 or email at [paul.cappitelli@post.ca.gov](mailto:paul.cappitelli@post.ca.gov).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The POST selection requirements for peace officers are currently contained in **Commission Regulation 1002** (Minimum Standards for Peace Officer Employment), **Procedure C-1** (Background Investigations) and **Procedure C-2** (Medical and Psychological Examinations). Each past update of these regulations has focused on one specific section of the POST selection requirements. The current project to reformat the entire *POST Administrative Manual (PAM)* provides the opportunity to evaluate the entire set of selection standards as one integrative whole. The goals of this revision include clarifying the requirements in these regulations, enhancing clarity and readability, balancing POST authority against local practices and hiring standards, establishing requirements that promote screening practices that are efficient and effective, and providing references to relevant statutes that directly impact peace officer selection practices.

The development of these proposed regulations were based on meetings held among POST staff and with a wide array of end-users, including peace officers, background investigators, screening psychologists, screening physicians, human resource personnel, association representatives (e.g., California Background Investigators Association, California Association of Law Enforcement Background Investigators, California Police Chiefs Association, California Peace Officers Association, California State Sheriffs Association, and the Occupational Health Standard and Training Operating Procedures Association), the POST Advisory Committee, and other personnel selection practitioners and experts.

Several overarching goals drove the revision of these standards. They include:

### **1. Enhancing consistency in selection requirements across peace officer classifications.**

Although peace officer position requirements vary both within and across departments, the purpose of POST standards is to ensure that all California peace officers meet the same minimum standard. Consistent with this purpose, these proposed regulations remove all regulatory differences among peace officer classifications. Reserve officers will be required to meet the reading and writing ability requirement [9051(a)], and will no longer be required to undergo updated medical and psychological evaluations when they promote to regular officers within the same department.

### **2. Minimizing time and resources required by departments to comply with POST requirements.**

Unnecessary duplication of effort will be offset by several of the proposed requirements, including those related to the conduct of abbreviated background investigation updates [9053(f)], and distinguishing between “date of employment” and “date of appointment” to allow more time for the completion of selection requirements before trainees are vested with peace officer powers [9050(a)(2)].

**3. Providing latitude in the manner which the requirements can be satisfied.** Many of the assessments stipulated in these requirements have several alternative means for achievement. For example, the reading and writing requirement [9051] can be satisfied through successful completion of a reading and writing test or the basic course training requirement. Similarly, the psychological screening requirements will give departments the latitude to conduct their psychological evaluations using two separate written assessments geared toward identifying abnormal behavior or choosing an assessment that is geared toward identifying abnormal and/or normal behavior patterns as one of the two required assessments [9055(d)(2)].

**4. Enhancing the specificity, clarity, and consistency of documentation requirements.** The additional specificity and clarity included in these regulations is intended to promote consistency in the manner in which documentation is collected and the criteria used in POST compliance reviews. Consistent with this purpose, background investigation standards [9053] now include detailed collection and reporting requirements for each area of investigation as well as for the preparation of background narrative reports. [9053(g)(1)].

**5. Promoting consistency in the selection practices across departments.** Many of the proposed regulations are targeted to ensuring that all departments in the POST program use consistent selection practices. To that end the POST Background Investigation Dimensions [9053(b)] and the POST Peace Officer Psychological Screening Dimensions [9055(c)] will be required in the selection of all peace officers. Similarly, the hiring department's screening physicians [9054(d)] and psychological evaluators [9055(d)] will be required to review relevant sources of information (agency-specific job information, applicant medical history statements, and applicant medical records) prior to making their respective determinations of suitability.

**6. Referencing other laws that directly impact peace officer selection.** The peace officer selection process is affected by a myriad of other statutes and regulations beyond those imposed by GC 1031 and POST regulations. Referencing these laws, and how they impact the selection process, will assist hiring departments in the lawful conduct of peace officer selection. Some of the laws referenced include those associated with reporting and record retention requirements [e.g., Government Code § 12946], and federal and state fair employment laws [i.e., Americans with Disabilities Act; California Fair Employment and Housing Act].

#### TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS

The following detailed information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp) :

- POST Bulletin
- Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4258 or by submitting a written request to the contact person listed below. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

#### ADOPTION OF PROPOSED REGULATIONS

Following the public hearing, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated by this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

## ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

## ASSESSMENT

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

## CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.

## CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Melani Singley, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov) , by telephone at 916.227.4258, or by FAX at 916.227.0476. The back-up contact person as well as inquiries concerning the substance of the proposed revisions to the peace officer selection standards should be directed to Shelley Spilberg at [shelley.spilberg@post.ca.gov](mailto:shelley.spilberg@post.ca.gov) or 916.227.4824.